

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44433 of 2025

Arising Out of PS. Case No.-130 Year-2025 Thana- PAHARPUR District- East Champaran

Kundan Sah S/o Badri Sah Resident of village- Laukaha Banwa Tola,
Bhagwanpur, P.S.- Paharpur, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abbhishek Kumar, Adv.

For the Opposite Party/s : Mr.Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

2 15-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Paharpur P.S. Case No. 130 of 2025 instituted for the offences
under Sections 30(a)/52 of the Bihar Prohibition and Excise Act.

3. As per prosecution case, the police has recovered
total 31.600 liters of illicit country made liquor from the house
of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case
due to police mechanism and maneuvering. The petitioner was
neither apprehended on the spot nor anything incriminating has
been recovered from his possession. The name of the petitioner
has surfaced in this case on the basis of the disclosures made by



the local *Choukidar*. He further submits that the alleged recovery of liquor has been made from the open place which is accessible to one and all. The petitioner has no concern with the seized liquor. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has one criminal antecedent and is languishing in judicial custody since 28.04.2025 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Paharpur P.S. Case No. 130 of 2025.

(Rudra Prakash Mishra, J)

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